

## REMARKS

Claims 1-19 are pending in the application. Claims 1-12 stand rejected under 35 USC § 112, first paragraph, as allegedly claiming subject matter that was not described in the specification in such a way as to reasonably convey that Applicant had possession of the claimed invention at the time the application was filed. Claims 1-12 also stand rejected under 35 USC § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. Further, claims 1-3, 5-13, and 16-19 stand rejected under 35 USC § 102(e) as allegedly anticipated by US Patent Application No. 2003/0133558 to Kung *et al.* (hereinafter “Kung”). Claim 4 stands rejected under 35 USC § 103(a) as allegedly obvious over Kung in view of MacMillan *et al.* (US 6,278,707; hereinafter “MacMillan”). Finally, claims 14-15 stand rejected under 35 USC § 103(a) as allegedly obvious over Kung in view of Gernert *et al.* (US 6,600,734; hereinafter “Gernert”). For the following reasons, the Applicant respectfully traverses.

### **35 USC § 112, Second Paragraph Rejection**

Claims 1-12 stand rejected under 35 USC § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. More specifically, the Examiner asserts that the limitation “the data network telephone service” in line 19 lacks antecedent basis.

The Applicant respectfully requests that the Examiner enter the instant amendment wherein the claim recites “a data network telephone service” as supported by the specification at page 26, lines 13-14. As amended, the claim moots the instant rejection.

### 35 USC § 112, First Paragraph Rejection

Claims 1-12 also stand rejected under 35 USC § 112, first paragraph, as allegedly claiming subject matter that was not described in the specification in such a way as to reasonably convey that Applicant had possession of the claimed invention at the time the application was filed. More specifically, the Examiner asserts that the specification fails to support the statement of lines 19-21 where the telecommunications network access station is used to assign a user identifier and a teleport number to the data network teleport during registration. Applicant respectfully disagrees.

Applicant respectfully points to page 28, lines 6-10 where the specification recites that “the telecommunications network access station 107 performs the registration function through its signaling stack 243 and signals when the registration function is complete” and that “the data network teleport 18 receives a user identifier 44a and is assigned a teleport number 44b to use in voice-over-data and data communications.” Thus, the specification specifically recites that the telecommunications network access station can perform the registration function.

As pointed out by the Examiner, the specification also provides support at page 24, lines 7-9 for registration being performed by the network telephony connection server 150. Specifically, the specification recites that “registration **may** occur, when the data network telephone 208a sends a request to register to a service provider host, **such as** the network telephony connection server 150.” See page 24, lines 7-9. The language used illustrates that the recited embodiment is but an example of the registration process and is not limited to that specific embodiment. Thus, the specification provides direct support for the registration process being handled by the telecommunications network access station and the network telephony connection server, both being exemplary embodiments. Thus, the Applicant respectfully requests that the rejection be withdrawn.

### **35 USC § 102e Rejection**

Claims 1-3, 5-13, and 16-19 stand rejected under 35 USC § 102(e) as allegedly anticipated by Kung. Regarding claim 1, the Examiner asserts that Kung discloses all elements of claim 1, wherein the telecommunications network access station (TNAS) of the instant invention is equated to a broadband residential gateway (BRG), a network premises gateway (NPG) and a domain name service server (DNSS). Further, the data network teleport (DNT) is equated to a digital wireless handset (DWH) and an IP telephone, and the user identifier is equated to an IP address. Applicant respectfully disagrees.

In the instant invention, the TNAS assigns a user identifier and a teleport number to a data network teleport among other functions. In contrast, the Kung provides no teaching or suggestion that its BRG assigns a user identifier and a teleport number to an element analogous to a data network teleport. The term “network premises gateway” (NPG) is not utilized by Kung. Applicant respectfully submits that a term not utilized in the Kung specification cannot be specifically cited against the instant TNAS. The DNSS of Kung is described in a manner that ascribes function that is the standard in the art, which is to convert domain names to IP addresses. See, e.g., paragraph 44. Moreover, element 214 in Kung is also described as a DHCP server, which further emphasizes its use in serving IP addresses. See, e.g., paragraph 44, lines 12-15. Thus, Kung provides no teaching or suggestion regarding an element analogous to the TNAS that assigns a user identifier as described in the instant invention and claim 1. Therefore, Kung cannot anticipate claim 1.

The DNTs of the instant invention register, via, for example, a port registration function or registration function, with elements of the data network telephone service. See, e.g., page 26, lines 13-15, 22; page 28, lines 4-11. User identifiers utilized in the registration process are distinct from IP addresses as cited by the Examiner for the reasons argued below. As such, DNTs of the instant

invention have true portability. See paragraph below and, e.g., e.g., page 19, lines 23-25. In contrast, the DWH and IP telephone of Kung fail to register with an element analogous to the instant TNAS utilizing an analogous user identifier, and thus fail to provide at least the portability of the instant system.

The user identifier of the instant invention is taught to be preferably a SIP-URL or analogous identifier apart from an IP address. See, for example, page 18, lines 12-14; page 19, lines 13-20. Specifically, the instant specification teaches that with a non-IP address user identifier, when the a data network telephone is moved to a new location, all calls to the associated SIP URL will still be properly routed to that device; device mobility is promoted in the sense that calls will "follow" the data network telephone according to its user identifier. See, e.g., page 19, lines 23-25. Moreover, the instant specification teaches that such a user identifier is important because often the data network telephone or the telecommunications network access server runs DHCP, where IP addresses are automatically changed, particularly when the device is moved. See, e.g., page 19, lines 25-29. Thus, the user identifier is specifically taught to be distinct from an IP address as provided in Kung.

Thus, elements in Kung that the Examiner recites as equivalents to elements in the instant invention are insufficient as they fail to provide functionality necessary to the instant invention as claimed in claim 1. As such, the above-recited elements cannot serve to anticipate the instant claim. Consequently, the Applicant respectfully requests that the rejection be withdrawn.

Claims 2, 3, and 5-12 all depend from claim 1. As Kung fails to teach all elements of instant claim 1, Kung necessarily fails to teach all elements of claims that depend from claim 1. Consequently, Kung fails to anticipate claim 2, 3 and 5-12. As such, Applicant respectfully requests that these rejections be withdrawn.

Regarding claim 13, the Examiner asserts that Kung discloses a method for communicating on a data network telephony system, comprising in combination: accepting user input at a first portable information device (PID) linked to a data network teleport; transmitting the user input across a data network via a telecommunications network access station; and displaying the user input at a second portable information device. The Examiner cites paragraphs 80-83 for support of the rejection.

The only disclosure in the cited paragraphs that could be construed as being related to instant claim 13 is in paragraph 81, lines 38-41. In this section, Kung discloses a set-top box module that performs "functions associated with a set-top box locally and/or for communicating with one or more remotely coupled set-top boxes. Applicant submits that a set-top box and the PID of instant claim 13 are totally unrelated and distinct. A set-top box is taught in Kung as an audiovisual device associated with a television that connects to a TV port module of the BRG. See paragraph 81, lines 18-20. Kung states that such an audiovisual device can be controlled via the set-top box module, which is a port in the BRG. See paragraph 81, lines 38-41. Kung provides no teaching or suggestion for a method of communication on a data network telephony system wherein a PID, connected to a DNT (for which Kung presents no analogous element as argued above), accepts input, transmits that input through the DNT, through the TNAS (for which Kung also presents no analogous element as argued above), and displaying the input on another PID. Thus, the remote control device described in Kung is wholly distinct from the method of communicating on a data network telephony system of the instant invention, and Kung fails to disclose every element of instant claim 13. Moreover, one of ordinary skill in the art would not look to teaching related to an audiovisual remote control device for guidance with the present invention. Therefore, Kung cannot anticipate claim 13.

Claims 16-19 depend from claim 13. As Kung fails to teach all elements of instant claim 13, Kung necessarily fails to teach all elements of claims that depend from claim 13. Consequently, Kung fails to anticipate claim 16-19, and Applicant respectfully requests that these rejections be withdrawn.

### **35 USC § 103a Rejections**

Claim 4 stands rejected under 35 USC § 103(a) as allegedly obvious over Kung in view of MacMillan. More specifically, the Examiner asserts that while Kung discloses the system of claim 1, it fails to disclose that the station transceiver interface communicates using the 2.4 GHz Direct Sequence Spread Spectrum (DSSS) scheme. The Examiner follows by stating that Gernert discloses the use of a 2.4 GHz spread spectrum to communicate voice over IP packets, concluding that one of ordinary skill in the art at the time of the invention would have combined the references and arrived at the instant invention. Applicant respectfully disagrees.

Claim 4 depends from claim 1, and, as argued above, Kung fails to anticipate claim 1. Further, MacMillan fails to remedy Kung's specific deficiencies argued above with respect to claim 1 and, as such, necessarily fails to render obvious a claim that depends from claim 1. For example, MacMillan fails to teach or suggest utilizing a user identifier as argued above. Thus, the combination of Kung and MacMillan fails to render obvious claim 4. Consequently, the Applicant respectfully requests that the Examiner withdraw the rejection.

Finally, claims 14-15 stand rejected under 35 USC § 103(a) as allegedly obvious over Kung in view of Gernert. Claims 14 and 15 depend from claim 13, and, as argued above, Kung fails to anticipate claim 13. Further, Gernert fails to remedy the deficiencies of Kung with regard to claim 13,

so the combination of Kung and Gernert fails to render obvious claims 14 and 15. Consequently, the Applicant respectfully requests that the Examiner withdraw the rejection.


## CONCLUSION

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Patent Office is invited to contact the undersigned representative if it is believed that this would be helpful in expediting prosecution of this application. The Applicant submits that the pending claims are in condition for allowance, and issuance of a Notice of Allowance is respectfully requested.

If the Examiner is of the opinion that a telephone conference would expedite prosecution of the application, the Examiner is encouraged to contact Applicant's undersigned representative.

Respectfully submitted,

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